



UNITED STATES INTERNATIONAL TRADE COMMISSION

**[Investigation No. 337-TA-650]
Advisory Opinion Proceeding**

**CERTAIN COAXIAL CABLE CONNECTORS AND COMPONENTS
THEREOF AND PRODUCTS CONTAINING SAME**

DETERMINATION TO INSTITUTE AN ADVISORY OPINION PROCEEDING

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to institute an advisory opinion proceeding in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Amanda S. Pitcher, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2737. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on May 30, 2008, based on a complaint filed by John Mezzalingua Associates, Inc., d/b/a PPC, Inc. of East Syracuse, New York (“PPC”). 73 *Fed. Reg.* 31145 (May 30, 2008). The complaint alleged violations of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain coaxial cable connectors and components thereof and products containing the same by reason of infringement of various patents, including U.S. Patent No. 6,558,194 (“the ‘194 patent”). The complaint named eight respondents. After institution, two respondents were terminated based on consent orders and four respondents were found to be in default (“defaulting respondents”). Two respondents, Fu-Ching Technical Industry, Co., Ltd., and Gem Electronics, Inc., remained active.

On October 13, 2009, the Administrative Law Judge (“ALJ”) issued his final initial determination (“ID”) and recommended determination on remedy and bonding. The ALJ found a violation of section 337 by the defaulting respondents in connection with the ‘194 patent. On December 14, 2009, the Commission determined to review the final ID in part, but the Commission did not review the ALJ’s determination with respect to the ‘194 patent. On March 31, 2010, the Commission issued a General Exclusion Order with respect to the ‘194 patent. The Commission issued a general exclusion order with respect to U.S. Patent No. 5,470,257 on September 13, 2011 following remand from the U.S. Court of Appeals for the Federal Circuit. *John Mezzalingua Assoc. v. Int’l Trade Comm.*, 2011 U.S. App. Lexis 8806 (Fed. Cir. April 28, 2011).

On September 12, 2011, non-respondent, Holland Electronics, LLC (“Holland”) of Ventura, California filed a request for an advisory opinion under Commission Rule 210.79 (19 C.F.R. § 210.79) that would declare that its coaxial cable connectors, utilizing an axial but not radial compression for deformation (“axial connectors”), are outside of the scope of the Commission’s March 31, 2010 General Exclusion Order. Holland further requested that the Commission conduct all proceedings related to the advisory opinion in an expedited manner and indicated that referral to the ALJ is unnecessary.

The Commission has examined Holland’s request for an advisory opinion and has determined that it complies with the requirements for institution of an advisory opinion proceeding under Commission Rule 210.79(a). Accordingly, the Commission has determined to institute an advisory opinion proceeding. The Commission directs complainant PPC and the Commission investigative attorney to state their views regarding whether they oppose Holland’s request for an advisory opinion that its axial connectors are not covered by the March 31, 2010 General Exclusion Order, and if so, whether they believe the matter should be referred to the ALJ.

The authority for the Commission’s determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and in section 210.79(a) of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.79(a)).

By order of the Commission.

James R. Holbein
Secretary to the Commission

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